IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.2816 of 2004

Dated: 26-09-2007

Between:

P. Papa Rao, s/o Narasimha Rao,
r/o Chandupatla (B) village, Chivemula Mandal,
Suryapeta, Nalgonda District.

... Petitioner

and

1. Hindustan Petroleum Corporation Limited,
   rep. by its Managing Director
   having registered office at No.17,
   Jamshedji Tata Road,
   Mumbai – 400 020 and 2 others.

... Respondents

ORDER:

The grievance of the petitioner is that though he is fully qualified for allotment of the Retail Outlet (Petrol Pump) Dealership at Peddavoora village, Nalgonda District in his favour, the respondents 1 and 2 have allotted the said Retail Outlet (Petrol Pump) Dealership in favour of the third respondent.

2. One of the contentions raised by learned counsel for petitioner is that high-tension wires are passing through the site of third respondent, where the third respondent intends to establish the petrol pump.

3. The respondents 1 and 2 in their counter affidavit while denying the said factual aspect specifically stated that there are no high-tension electricity wires passing through the site offered by the third respondent.
It is also stated that the field investigation reveals that no high-tension electricity wires are passing through the said site.

4. However, learned counsel for the petitioner tried to impress upon this Court saying that the field investigation clearly revealed that there are
high-tension electricity wires passing through the said site and hence, he requested the Court to summon the records.

5. As this Court is sitting under Article 226 of the Constitution of India and as the point raised by the petitioner is purely a disputed question of fact, which cannot gone into in the writ petition, this Court is not inclined to summon the record nor accepting the contention of the learned counsel for the petitioner that there are high-tension electricity wires. Further,
the respondents 1 and 2 will definitely be interested in seeing to it that the Retail Outlet is established in a safe zone, but not in a zone as contended by the learned counsel for the petitioner. Further, this Court while issuing *Rule nisi* refused to grant any interim order, and the third respondent is given Dealership and is carrying on business. If really, it is a fact that there are high-tension wires and the third respondent is not carrying on the business in accordance with the rules, I am sure the respondents 1 and 2 will not keep quiet and will definitely take necessary action. Accordingly, I see no merits in this writ petition.

6. In the result, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.26-09-2007
GLV